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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,025	04/30/2001	Philip M. Ginsberg	00-1020	4295
63710 7590 08/21/2009 DEAN P. ALDERUCCI CANTOR FITZGERALD, L.P. 110 EAST 59TH STREET (6TH FLOOR) NEW YORK, NY 10022				
EXAMINER COBURN, CORBETT B				
ART UNIT		PAPER NUMBER		
3714				
MAIL DATE		DELIVERY MODE		
08/21/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 24 July 2009 have been fully considered but they are not persuasive.
2. One way that an examiner may make a *prima facie* case of obviousness is to show that the modification to the prior art was within the level of ordinary skill, that the modification would yield predictable results, and that there is a reason one of ordinary skill would consider making the modification. In this case, the Examiner has met that burden.
3. Applicant's invention relates to a system for taking wagers of differing currency amounts. If the system determines that a player has not deposited enough currency in the system to afford certain wagers, the system does not display those wagers to the player. Thus if a player has 95¢ deposited in the system, any wager requiring a higher amount would not be displayed to the player.
4. Wilms is a wagering system in which a player may choose from a number of differing wager amounts. It is clear that if a player has only 95¢ in the machine, the machine will not allow a player to choose a \$1 bet. But Wilms apparently displays the \$1 on the screen even though it is not an option that a player can choose.
5. It is clearly within the level of ordinary skill to modify the options displayed on the screen. The state of the art is such that no one can seriously contend that this is not the case. Furthermore, no one can argue that the results would not be predictable – the text on the screen that says \$1 would no longer appear. And there is a reasonable, common sense motivation for a practitioner of the art to make this modification – removing non-available options from the

screen would reduce the potential for player confusion. If the \$1 bet is not displayed, the player with 95¢ in the machine will not be trying to place \$1 bets & wondering why the machine will not allow him to do so.

6. The Examiner has shown that the modification was within the level of ordinary skill & that it would produce predictable results. The Examiner has provided a reasoned statement explaining why one of ordinary skill would have made the modification. Therefore, the Examiner has made a *prima facie* case of obviousness. Contrary to Applicant's assertions, Examiner has not made a "mere conclusory statement" since this line of reasoning was provided in the Final Rejection.

7. Upon review of the case, it has been determined that the case is ready to proceed to the Board of Patent Appeals & Interferences. Please see the attached form.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (571) 272-4447. The examiner can normally be reached on 8-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Corbett B. Coburn/
Primary Examiner
Art Unit 3714